



# Zoning Board of Adjustment

## Variance Request and Justification Information

1. State the section of the Unified Development Code or Describe the regulation for which you are requesting a variance:

**FIELD 1 — State the section of the Unified Development Code or describe the regulation for which you are requesting a variance:**

**Applicant requests protective alternative practical/variance relief from the City's asserted application of UDC §9.07(K)(3)(c), or any related drive-gate setback/inset provision the City contends requires a 50-foot inset for a drive gate adjacent to a thoroughfare as applied to 536 Bancroft Road. This request includes the City's asserted measurement origin, datum selection, and application of the 50-foot requirement to an unimproved Bancroft Road frontage with no curb, sidewalk, or parkway. The requested relief also recognizes that the existing/corrected gate location is generally aligned with the frontage pattern and gate/fence placement of neighboring properties in the area, rather than creating an out-of-pattern condition.**

2. Describe how your request will differ from the requirement(s) of the Code:

**FIELD 2 — Describe how your request will differ from the requirement(s) of the Code:**

**Applicant requests permission for the existing/corrected driveway gate/fence condition to remain at a safe and functional location less than the City's asserted 50-foot inset, subject to reasonable site-specific safety conditions if required. Strict application of the asserted 50-foot location would materially reduce usable driveway function, limit traffic flow into and out of the property, leave only limited maneuvering space for a standard passenger vehicle, and allow only one vehicle in the driveway before congestion occurs near the frontage. The requested relief is a practical/site-specific variance recognizing the actual driveway geometry, emergency-access concerns, physical pavement-edge context, lack of curb/sidewalk/parkway, neighboring-property alignment, and unresolved measurement discrepancy between approximately 28.7 feet and approximately 39.4 feet. This request is made under protest and is not an admission that the City's measurement datum or interpretation is correct.**

3. Describe how the situation causing the hardship or difficulty is neither self imposed nor generally affecting all or most properties in the same zoning district:

**FIELD 3 — Describe how the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district:**

**The hardship is not self-imposed. It results from the City's application of a 50-foot drive-gate inset standard to an unimproved residential collector frontage where Bancroft Road has no curb, sidewalk, or parkway buffer. The physical condition of this frontage materially differs from an improved thoroughfare section. The existing driveway is constrained by its current approach, mature oak trees, and a ravine/drainage condition that would make a new driveway alignment impractical without major site disturbance, tree removal, and additional construction. Literal relocation would severely reduce effective driveway use, including stacking, turning, and emergency-access function. Applicant sought clarification, worked with an engineer, filed under protest, requested records, and preserved interpretation/variance relief before this protective filing. The difficulty arises from the site-specific roadway/frontage condition, driveway geometry, existing natural constraints, and unresolved City measurement datum, not from an attempt to avoid the Code.**

4. Describe how literal enforcement of the regulation will create an unnecessary hardship or practical difficulty in the development of this property:

**FIELD 4 — Describe how literal enforcement of the regulation will create an unnecessary hardship or practical difficulty in the development of this property:**

**Literal enforcement of the asserted 50-foot inset would consume a substantial portion of the usable driveway and severely reduce effective space for ingress, egress, vehicle stacking, turning, gate operation, and emergency access. Based on the submitted driveway layout, strict relocation would cut the functional driveway area by a substantial percentage and leave only limited maneuvering space for a standard vehicle, creating congestion near the front of the property and reducing the ability to stage more than one vehicle safely. Because this frontage lacks the public buffer normally associated with improved curb/sidewalk/parkway street sections, measuring 50 feet from the roadway area pushes the requirement deeper into private property and creates a disproportionate site-specific impact. Strict relocation may reduce, rather than improve, practical safety and access function.**

5. Explain how the variance requested will not negatively impact the adjacent property:

**FIELD 5 — Explain how the variance requested will not negatively impact the adjacent property:**

**The requested relief will not negatively impact adjacent property. The gate/fence condition remains on Applicant's property, does not shift any burden onto neighboring lots, and is generally consistent with the frontage pattern and gate/fence alignment of other nearby properties. The requested location does not create a new encroachment, does not block neighboring access, and does not impose additional traffic or drainage impacts on adjacent owners. The condition can also remain subject to reasonable safety measures such as inward operation, adequate clear opening, visibility preservation, manual/emergency access features, and continued maintenance of sight distance. A nearby property owner has expressed support/no objection in the prior ZBA record. The requested relief preserves residential use and neighborhood consistency without creating a measurable adverse impact on adjacent properties.**

6. Explain how the granting of the variance will be in harmony with the spirit and purpose of the regulation:

**Granting the variance will be in harmony with the spirit and purpose of the regulation because the purpose of the drive-gate setback/inset requirement is to protect safe ingress, egress, visibility, vehicle stacking, traffic flow, and emergency access. The requested relief maintains those safety purposes while avoiding the practical harm caused by mechanically applying a 50-foot inset to this unimproved Bancroft Road frontage with no curb, sidewalk, or parkway buffer. The existing/corrected gate location remains generally aligned with nearby frontage conditions, preserves functional driveway use, avoids unnecessary congestion near the front of the property, and can remain subject to reasonable safety conditions such as inward operation, adequate clear opening, visibility preservation, manual/emergency access features, and continued maintenance of sight distance. The requested variance therefore advances the regulation's safety purpose without imposing a site-specific result that reduces practical access and driveway function.**